

**APPROVED 04/17/2008**

At 6:05 pm Chairman Cordes called the meeting to order. Present were Selectmen Gene Cordes, Donald Gates Jr, and Joe Dreyer; Road Agent Guerwood Holmes, and Town Administrator Heidi Carlson.

Cordes said that when the Board met with the Miller's two weeks ago, the Miller's expressed they were more than willing to work with the Town, and that their goal was to straighten this section of shoulder out, and move on.

Selectmen discussed that they had learned in this process that any road and shoulder work to be done on North Road requires a public hearing in accordance with the Scenic Road Statute. They asked Holmes to prepare an annual scope of work for anything that may possibly need to be done on North Road for such a public hearing. One will be held for this pending work once a scope is determined.

Selectmen discussed how to restore the wall and identify the property line, as well as what would be a final outcome for grade, runoff and vegetation.

Selectmen and Holmes reviewed scope of work drafted to date for this shoulder and retaining wall section of North Road near the Miller property.

Sue Miller has called a couple of times for progress updates, and Carlson advised that in the conversation yesterday, Mrs Miller reported that there had been some erosion with the recent rains, terming the area "grainy" and somewhat porous, leading to some silt running through with the water. Carlson proposed at that time a possible temporary solution if this problem worsened. Mrs Miller said they would consider it at the time.

Selectmen did not believe the Miller's wanted to have a siltation fence installed in the pending period, because they had previously said no when the Selectmen offered that at the meeting of March 27<sup>th</sup>.

Selectmen agreed to offer to the Millers that we could hire someone to put the stone wall back in the short term, without making a determination about who owns the wall. The Board wanted to offer to minimize erosion and to do this as soon as possible. A suitable person would have to be found, and someone in Fremont who does this type of work will be consulted. It is likely this is hand work in the short-term. If the Miller's do not want to agree to temporary restoration (likely by hand) of the wall, the Board will offer again to put up a silt fence right at the stone wall.

In the meantime, the Board will pursue the engineer/surveyor and the scope of work as updated this evening.

Selectmen discussed the potential that the remaining tree stumps are a hazard, and Holmes felt that the immediate danger was past because the snow plows will hopefully not have to travel this way any longer. The Board discussed that they can authorize an emergency or hazard situation.

Selectmen asked Holmes to make a list of every potential general maintenance item that he may need to undertake on North Road to have each be a part of the public hearing process. This would include any potholes during the year, necessary shoulder work or dead/dangerous tree removal, and beaver and culvert maintenance.

The engineering scope of work will be sent to two firms the town uses regularly, as well as a surveyor we have used recently. The Town needs costs and timelines to get this work accomplished. The Selectmen suggested the scope be sent out in a form less formal than an RFP. Carlson had sent initial inquiries to the two engineering firms today.

The Board thanked Holmes for his time and he left the meeting at 6:35 pm.

### OLD BUSINESS

1. Selectmen reviewed the minutes for 03 April 2008. With one typographical correction, Gates moved to approve the minutes for 03 April 2008. Cordes seconded. The vote was approved 2-0-1 with Dreyer abstaining as he was not at the meeting last week.

2. Selectmen reviewed the finalized Contract with Waste Management for trash and recycling collection for the period April 1, 2008 through March 31, 2013. Some final adjustments had been made, including adding "feet" to the measurements for cardboard to be cut to (2 feet x 2 feet); and adjusting the date for annual renewal / adjustment to December 1 so that the Town can have the budget number in time for the budget process.

Dreyer moved to approve the finalized contract. Gates seconded and the vote was unanimously approved 3-0. Selectmen signed two copies of the contract. Both will be sent to Waste Management for signature. The RFP is made a part of the document by reference as well.

3. Selectmen discussed further the Cable Contract and information from Attorney Epstein. The Board feels it is prudent to have any contract reviewed. They did not feel they wanted to ask him to negotiate the contract, they just want it reviewed for legality, and to insure that it has everything in it the Town wants. This would include the wiring of Old Ridge Road, the public access broadcasting equipment, bringing the current Sandown and Raymond-fed customers onto the Fremont feed, and constructing the fiber optic return line from Exeter. Currently these are proposed as franchise-related costs by Comcast.

After some further discussion, the Board decided to have Carlson get back to Attorney Epstein and ask him what it would cost to use a template the attorney uses and include in there all the things Comcast has proposed at our request being done at no added cost to subscribers; as well as to take the existing document, and to add all the things we want done for the Town (thus saving some of the revision cost review).

Selectmen asked for Carlson to get a range of cost to do these things and the Board wants to review that before deciding which document to have Attorney Epstein put together.

4. Selectmen had not yet read through the scope of work prepared by Thom Roy and David Gleason for Town Hall basement renovations project, and asked that it be emailed out and put on the agenda for next week.

At 7:00 pm no Department Heads were present.

### NEW BUSINESS

1. Selectmen discussed making arrangements for approval of the accounts payable manifest on Thursday afternoon. Dreyer is not available and Cordes is out of Town. Dreyer moved that Heidi Carlson and any one Selectman can review and authorize the manifest for payment on Friday. It was decided that Gates will be called as the only Selectman available on Thursday afternoon.

2. Selectmen reviewed an Intent to Excavate on parcel 04-015 for the 2008-2009 tax year. Gates moved to approve this Intent. Dreyer seconded and the vote was unanimously approved 3-0.

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3. Selectmen reviewed outgoing correspondence. Cordes moved to approve a letter to Keith Stanton to follow-up NH PUC letter (cable questions). Dreyer seconded and the vote was unanimously approved 3-0. Dreyer moved to sign a memo to the Cemetery Trustees to follow-up on Leavitt Road projects and CIP matters; and a memo to the Library Trustees regarding 2008 budget and procedures. Gates seconded and the vote was unanimously approved 3-0. All letters were signed.

4. Board members each reviewed the folder of incoming correspondence.

5. The Budget Committee meets tomorrow evening, Wednesday April 9, 2008, at 7:00 pm. Gates will be able to attend this meeting.

6. Selectmen reviewed an Excavation Tax Warrant in the amount of \$46.92 on parcel 04-015 for the 2007-2008 tax year. Motion was made to approve and sign it by Gates. Dreyer seconded and the vote was unanimously approved 3-0.

7. Selectmen reviewed a Yield Tax Warrant in the amount of \$594.26 for the 2007-2008 tax year on parcel 05-049. Work was done by Matthew Jensen and that is who will be sent the bill. Work was done on the Thayer property. Gates moved to approve this Yield Tax Warrant in the amount of \$594.26. Dreyer seconded and the vote was unanimously approved 3-0.

8. Motion was made by Dreyer to appoint Scott Boisvert to a three year term on the Zoning Board of Adjustment through March 2011. Gates seconded and the vote was unanimously approved 3-0.

9. Selectmen reviewed contracts with the Fremont Athletic Association for use of the fields and concession stand for the 2008 fields season. David Richard has the originals for signature by FAA representatives, and they will be brought back to the Board for signature hopefully by next week.

10. Selectmen reviewed the final letter from Carl Hussey of Cape Disposal, received today. The Board authorized release of the final payment to Cape Disposal.

11. There was discussion about the apartment at 246 Main Street and where their trash should be put for pickup. Carlson explained that it is believed one of the tenants in this building called Waste Management last Friday to report their trash had been missed for collection. After looking into it, WM found that the trash was up in the driveway and not near Route 107, so it was not seen by the driver. A WM representative had called Carlson about this late on Friday, and it was decided that the resident would be contacted by WM and asked to have their trash out at the roadway like everyone else. WM did not want the added liability of traveling on the driveway in case their truck caused any damage.

This afternoon, Carlson had received a call from Debbie Rich, who owns this building. She had requested that the trash truck go up the driveway, indicating it had been done that way for the past 13 years of them owning the building.

Carlson had explained that this was not believed to be a "town" road even though it is plowed in the winter. Mrs Rich did not believe she had any document to indicate its legal status, and relied on the fact that it had been done a certain way for many years.

The Board felt that it should be treated the same as any other residence on Main Street, and trash should be brought to a location at the road. It was suggested this happen near the intersection of Hall Road, where it would not interfere with mail delivery. The Rich's also own the commercial building on Hall Road, but it has a dumpster, so the trash truck does not have to travel down it. Carlson had placed a call

to Waste Management late this afternoon, but was not able to contact the same representative she had spoken with on Friday.

12. In response to some Energy Committee discussions about balancing the heating system at the Safety Complex, Thom Roy had obtained the name of a contractor who does heating and cooling work, who is currently doing some work in Fremont. Selectmen felt it would be prudent to have an evaluation done of the system, with some recommendations about what would better balance the heating system at the Safety Complex. There are some areas that are constantly hot or cold, depending on the season. Cordes noted that some ducts are covered with plastic and other offices have space heaters in use.

Roy had offered to make these contacts, and Selectmen thought that was a good idea. They indicated that Chief Janvrin and Acting Interim Chief Butler need also to be contacted and be part of the process, including providing their input as to what areas are hot/cold depending on the season.

The Selectmen would like the contractor to evaluate the system considering what areas are hot / cold seasonally. Hopefully this can be done for little to no cost, and any remedy for the situation will depend on the cost involved, as well as the scope of work. A proposal that outlines the issues and details out information on a cost to cure will be very helpful.

13. Thom Roy had also provided some follow-up information to Carlson regarding the culvert at Beede Hill Road and Main Street, believed to be causing some of the water problems at that intersection and the ponded water on the Museum lot. Roy reported that he had contact with someone approximately two weeks ago at NH DOT, and is waiting for feedback from that person. The State representative was not clear on whether the State had a culvert in that location.

Joe Dreyer said that when the school did the addition work a few years ago, he had talked with the civil engineer working on the site, who found a culvert which outlets near the rear of the yellow house on the corner of the lot, and drains onto school property. Dreyer said that the culvert was working and a stream of water could be seen, and that Roy could investigate this by looking at it from the school side. Dreyer was not sure if it terminated on the School's or the abutter's property, and said that the homeowner had worked with the School District at that time. The revised drainage at the School property took all of that water and piped it into the new drainage system at the front of Ellis School, and it terminates now in the retention pond at Colonial Poplin.

Selectmen asked for Roy to look at the school site for this outlet. It is believed that the culvert needs to be blown out, and the manhole is still trying to be located nearer to the corner or along the edge of the Museum lot frontage on Beede Hill Road.

14. Thom Roy had a conversation with Cordes at the Planning Board last week, and Roy has asked the Board for an interpretation relative to the newly adopted sign ordinance, and how he should handle enforcement issues. He talked about the signs that are illegally placed and whether or not they can be removed by him, if they are in the right-of-way. Cordes referred to the Town's policy regarding political signs, which states that political signs can only be in the Town's right-of-way if they have the permission of the abutting property owner.

There was discussion about the many types of signs which are prohibited now in Fremont, including the cardboard advertising type with wire stands (such as Hot Tub for Sale that are visible in many locations); and whether these should be removed on a proactive basis, or addressed upon complaints. The Selectmen did not want to get mired down in this, but felt complaints need to be addressed, and that signs placed illegally, not in compliance with the Ordinance, could and should be removed.

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Selectmen decided to ask Roy to write out what his concerns are and send that to the Board, to add any additional, and then send that list of questions along with the new ordinance to Town Counsel and ask him to weigh in on the options for enforcement, and provide guidance on the questions. On the list there also needs to be a question about how to enforce it. Such as, does the CEO issue a warning letter if the owner is known, call the number on the advertising sign, or simply take it down if it is not legally placed.

15. With additional scheduling issues, the Board moved the meeting scheduled for April 24 back to Tuesday April 22, 2008 at 6:00 pm. This will be posted tomorrow.

16. Thom Roy had sent a follow-up question to the Board regarding the earlier prepared cease and desist letter to JRTC Realty Trust regarding property at 11 Lyford Drive. Attorney Ryan had prepared this and action was held pending the snow being gone so items on the site were accessible. The Board asked for Roy to provide them with any follow-up or changes at the site since early 2008 when the cease and desist was drafted. The Board will review this at their meeting next week. Following that, they will have Roy contact Attorney Ryan again to move ahead with the order.

**NEXT WEEK**

The next regular Board meeting will be held on Thursday April 17, 2008 at 6:00 pm.

With no further business to come before the Board, motion was made by Dreyer and seconded by Gates to adjourn the meeting at 8:15 pm. The vote was unanimously approved 3-0.

Respectfully submitted,

Heidi Carlson  
Town Administrator